

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

In Re: Hanford Nuclear  
Reservation Litigation,

NO. CV-91-3015-WFN

ORDER GRANTING MOTION TO  
DISMISS CERTAIN *EVENSON*  
PLAINTIFFS WITH PREJUDICE  
AND WITHDRAWAL OF COUNSEL

**This Order also Relates to: CY-90-3067-WFN**

Before the Court is a Motion to Dismiss Certain [*Evenson*] Plaintiffs with Prejudice and Notice of Withdrawal of Counsel, filed by Thomas Foulds on August 18, 2006 (Ct. Rec. 2240). No response has been filed to the Motion in the time established by Local Rule. The intent of the Motion is that 312 Plaintiffs listed on Exhibit A are to be dismissed with prejudice and the *Evenson* counsel will withdraw representation of these Plaintiffs. The Motion represents that "[n]one of the plaintiffs listed on Exhibit A have elected to do anything other than to accept being dismissed with prejudice." Motion filed 8/18/06 (Ct. Rec. 2240-1) p. 2, ll. 4-5. The Motion also intends that the *Evenson* counsel will be withdrawing representation for the ten Plaintiffs listed on Exhibit B. The Motion represents that "[t]hose plaintiffs who have indicated a desire to appear Pro Se are listed on attached Exhibit B." *Id.* at ll. 5-7.

On July 20, 2006 (Ct. Rec. 2230), the Court informed counsel in this case, how the Court would respond to requests for pro se representation. Attached to the letter to counsel

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WITH PREJUDICE AND WITHDRAWAL OF COUNSEL - 1

1 was a letter from the undersigned addressed to "Potential Pro Se Plaintiff." Since the ten  
2 Plaintiffs listed on Exhibit B have advised *Evenson* counsel that they wish to proceed pro se,  
3 these Plaintiffs should receive a copy of the "Potential Pro Se Plaintiff" letter from the Court.  
4 Since the Court does not have the addresses of these Plaintiffs, the Court will request that  
5 *Evenson* counsel send the letters to the Plaintiffs. Accordingly,

6 **IT IS ORDERED** that:

7 1. The Motion to Dismiss Certain [*Evenson*] Plaintiffs with Prejudice and Notice of  
8 Withdrawal of Counsel as to Plaintiffs listed on Exhibit A, **Ct. Rec. 2240**, is **GRANTED**.  
9 The claims of the Plaintiffs listed on Exhibit A are **DISMISSED WITH PREJUDICE** and  
10 *Evenson* counsel shall be shown as having withdrawn representation of these Plaintiffs.

11 2. The Notice of Withdrawal of Counsel as to the ten Plaintiffs listed on Exhibit B,  
12 **Ct. Rec. 2240**, is **GRANTED**. The *Evenson* counsel shall be shown as having withdrawn  
13 representation of the Plaintiffs listed on Exhibit B.

14 3. *Evenson* counsel shall **mail a copy of the Court's letter to "Potential Pro Se**  
15 **Plaintiff"**, attached to **Ct. Rec. 2230**, filed July 20, 2006, to each of the ten Plaintiffs listed  
16 on Exhibit B.

17 4. *Evenson* counsel shall file a notice with the Court no later than **September 30,**  
18 **2006**, verifying that the Court's "Potential Pro Se Plaintiff" letter was sent to the ten Plaintiffs  
19 listed on Exhibit B. The notice shall also show each Plaintiff's address and the date the letter  
20 was mailed.

21 The District Court Executive is directed to:

- 22 • Attach a copy of the "Potential Pro Se Plaintiff" letter to this Order;
- 23 • File this Order;
- 24 • Provide copies of this Order, with attachments, to counsel; Mediator Gary Bloom;
- 25 **AND TO** pro se Plaintiffs Noreen L. Wynne, Carmela M. Destito-Buttice (for late
- 26 John P. Destito, Jr.), Marilyn F. Mlnarik, and Kerry L. Todd.

s/ Wm. Fremming Nielsen  
WM. FREMMING NIELSEN  
SENIOR UNITED STATES DISTRICT JUDGE